

# Appendix E

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto  
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING LLC'S  
WITNESS LIST PURSUANT TO FED. R.  
CIV. P. 26(A)(3)**

Courtroom: 8 - 19th Floor  
Judge: Hon. William Alsup

Trial Date: October 10, 2017

1           Defendant Otto Trucking LLC (“Otto Trucking”) hereby submits its witness list for trial,  
 2 pursuant to Fed. R. Civ. P. 26(a)(3) and the Court’s Guidelines for Trial and Final Pretrial  
 3 Conference in Civil Jury Cases.

4           Otto Trucking identifies the name, contact information, and substance of the testimony of  
 5 each witness it expects to present or may present at trial, other than solely for impeachment.  
 6 Pursuant to the Court’s Guidelines, non-cumulative testimony is identified below in *italics*.

7 **I.       LIVE WITNESSES**

8           Otto Trucking expects to present live testimony from the following witnesses:

<b>Witness</b>	<b>Contact Information</b>	<b>Substance of Trial Testimony</b>
Bailey, Chelsea	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Ms. Bailey is an employee of Google in human resources. Ms. Bailey is expected to testify about the exit interview with Anthony Levandowski, including his disclosure that he may form a self-driving trucking company. She may also testify about her discussions with Mr. Krafcik regarding this exit interview.</i>
Bentley, Adam	[Contact through counsel of record]  Uber Technologies, Inc. 1455 Market Street, Floor 4 San Francisco, CA 94103	<i>Mr. Bentley is a legal counsel and a member of Otto Trucking. Mr. Bentley is expected to testify about Otto Trucking’s corporate structure, membership, and business of owning trucks.</i>
Droz, Pierre-Yves	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Droz is Principal Hardware Engineer at Waymo, serving as technical lead on Waymo’s LiDAR project since its inception. He is expected to testify about disclosures of Waymo’s trade secrets and that the Waymo/Google did not inform its employees that the alleged trade secrets were confidential.</i>

1	Witness	Contact Information	Substance of Trial Testimony
2	Gruver, Dan	[Contact through counsel of record]  Uber Technologies, Inc. 1455 Market Street, Floor 4 San Francisco, CA 94103	<i>Mr. Gruver is a senior program manager at Uber, responsible for sensing systems for self-driving vehicle, and was formerly employed by Google. Mr. Gruver may testify about how Spider and Fuji have never been used on any trucks owned or leased by Otto Trucking. He may also testify about the printed circuit boards for GBr2 that had been used to create earrings for Seval Oz and the manner in which GBr2 printed circuit boards were kept at Google.</i>
3	Laykin, Erik	Duff and Phelps, Inc. 10100 Santa Monica Blvd. 11th Floor Los Angeles, CA 90067 Phone: (424) 249-1768 Email: erik.laykin@duffandphelps.com	<i>Mr. Laykin is an expert retained by Otto Trucking to testify regarding Waymo's forensic investigation of Anthony Levandowski, Radu Raduta, and Sameer Kshirsagar and Waymo's insufficient methods to protect its confidential information and intellectual property (including trade secrets). He is expected to testify regarding the matters disclosed in his expert report of September 7, 2017.</i>
4	Malackowski, James	101 Montgomery St. Suite 2100 San Francisco, CA 94104 +1 415.946.2600	<i>Mr. Malachowski is an expert retained by Otto Trucking regarding Waymo's lack of damages as to Otto Trucking. He is expected to testify regarding the matters disclosed in his expert report of September 7, 2017.</i>
5	McCloskey, Dan	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. McCloskey is a principal hardware engineer at Waymo. Mr. McCloskey is expected to testify about practices at Waymo including reformatting computers, installing programs, and use of removable devices.</i>

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Witness	Contact Information	Substance of Trial Testimony																									
Page, Larry	Alphabet Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Page is Google's co-founder and Chief Executive Officer of Google's parent company, Alphabet Inc.</i> He is expected to testify regarding development and operation of Waymo's autonomous vehicle program; Anthony Levandowski's departure from Waymo; Waymo's policies surrounding side projects and side businesses; knowledge of Waymo employee involvement in side projects and side businesses, including that of Anthony Levandowski. He is expected to testify about his conversations with Anthony Levandowski about a trucking business, and discussions with Travis Kalanick regarding competition.																									
Pennecot, Gaetan	[Contact through counsel of record]  Uber Technologies, Inc. 1455 Market Street, Floor 4 San Francisco, CA 94103	<i>Mr. Pennecot is a hardware engineer at Uber. He formerly worked as a hardware engineer at 510 Systems and Google.</i> He is expected to testify about Waymo's disclosures of its alleged trade secrets and that Spider and Fuji have never been used on trucks owned or leased by Otto Trucking.																									
Poetzscher, Cam	[Contact through counsel of record]  Uber Technologies, Inc. 1455 Market Street, Floor 4 San Francisco, CA 94103	<i>Mr. Poetzscher is Uber's Vice President of Corporate Development.</i> He may testify regarding Uber's meetings with Anthony Levandowski, Ottomotto and/or Otto Trucking before April 11, 2016. Mr. Poetzscher will also talk about the terms of the Otto Trucking agreement.																									

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
<b>Witness</b>		<b>Contact Information</b>																							<b>Substance of Trial Testimony</b>		
1	Ron, Lior	[Contact through counsel of record]																							Mr. Lior is a managing member of Otto Trucking. Mr. Bentley is expected to testify about Otto Trucking's corporate structure, membership, and business of owning trucks. He may also testify about Mr. Levandowski's limited involvement in the operations of Otto Trucking since the Preliminary Injunction Order. He may testify regarding the nature of employment at Waymo and Defendants; Anthony Levandowski's departure from Waymo; Waymo's policies surrounding side projects and side businesses; knowledge of Waymo employee involvement in side projects and side businesses, including that of Anthony Levandowski; knowledge of the Project Chauffeur bonus program; Defendants' non-misappropriation of Waymo's trade secrets; formation, purpose, and business of Otto Trucking LLC; formation, purpose, and business of Ottomotto; Ottomotto's decision to be acquired by Uber; March 11, 2016 meeting with Anthony Levandowski.		
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15	Oz, Seval	Upon information and belief, Ms. Oz works for Aurima Technologies, Inc. in Mountain View, California.																							Ms. Oz is a former employee of Google and member of Project Chauffeur. Ms. Oz is expected to testify about Waymo's disclosures of its purported trade secrets. She will authenticate earrings that were made out of certain printed circuit boards.		
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19	Schwarz, Brent	[Contact through counsel of record]																							Mr. Schwarz is an employee of Uber Technologies, Inc. in Business Operations. He was formerly employed at Ottomotto, and Velodyne. Mr. Schwarz is expected to testify about his sale of Velodyne LiDAR to Google; Otto Trucking's business of owning trucks; and Otto Trucking's relationship to Uber.		
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23	Shaw, Joseph	Teklicon 96 North 3 <sup>rd</sup> Street Suite 301 San Jose, CA 95112																							Dr. Shaw is an expert retained by Otto Trucking to testify about Otto Trucking's trucks and non-use of Spider, Fuji, or any of the alleged trade secrets.		
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1	Witness	Contact Information	Substance of Trial Testimony
2	Zbrozek, Sasha	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Zbrozek is an electrical hardware engineer on Waymo's, and before that, Google's, self-driving car project. He is expected to testify regarding Waymo's measures to protect the security of Waymo's confidential documents, servers, and SVN repository; Waymo's employee policies concerning confidential and trade secret information; and Waymo's forensic investigation into alleged misappropriation of trade secrets.</i>

8 Otto Trucking may present live testimony from the following witnesses:

9	Witness	Contact Information	Trial Testimony
10	Brown, Gary	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Brown is a security engineer in forensics at Google. If permitted to testify, he may testify about the forensic investigation he conducted of Anthony Levandowski and other Otto employees, and his communications with attorneys regarding this investigation.</i>
11	Gudjonsson, Kristinn	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Gudjunsson is Manager of Digital Forensics and Incident Management at Google. If permitted to testify, he may testify about the forensic investigation he conducted of Anthony Levandowski and other Otto employees, and his communications with attorneys regarding this investigation.</i>
12	Janosko, Michael	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Janosko is a Security Engineering Manager at Google. He is expected to testify about the differences between the Google security infrastructure and that of the SVN server.</i>
13	Krafcik, John	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Krafcik is Waymo's Chief Executive Officer. He is expected to testify regarding communications with Anthony Levandowski regarding trucking.</i>

1	Witness	Contact Information	Trial Testimony
2	Lawee, David	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Lawee is Google's vice president of corporate development. He may testify about how every indemnity provision is unique. He may also testify about Google's acquisition of 510 Systems and Anthony's Robots and their relation to Chauffeur.</i>
3	Lenius, Sam	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Lenius is an employee of Waymo. He may testify regarding his downloading of over nine gigabytes of documents from the SVN server multiple times.</i>
4	Morriss, Zachary	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Morriss is a mechanical engineer at Waymo and previously worked at Anthony's Robots. He may testify regarding Waymo's disclosures of its purported trade secrets. He may also testify about Mr. Levandowski's communications at a Chauffeur team meeting about starting an autonomous trucking business. He may also testify about how he solicited an offer of employment from Anthony Levandowski.</i>
5	Ulrich, Drew	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Ulrich is a mechanical engineer at Waymo, and previously worked at 510 Systems. He may testify regarding Waymo's disclosures of its purported trade secrets.</i>
6	Wachter, Luke	Waymo LLC 1600 Amphitheatre Parkway Mountain View, CA 94043	<i>Mr. Wachter is a software engineer at Waymo and previously worked at 510 Systems. He may testify regarding his downloading of documents from the SVN server.</i>

Otto Trucking reserves the right to call any witness identified by Waymo or Uber. The above descriptions are not intended to cover every possible topic or sub-topic on which these witnesses may testify and are made without prejudice to Otto Trucking eliciting other testimony, including without limitation testimony regarding matters addressed during the deposition of a

1 given witness.

2 **II. DEPOSITION TESTIMONY**

3 Otto Trucking reserves the right to present the deposition testimony of Waymo's managing  
 4 agents and 30(b)(6) designees (i.e., Gary Brown, Pierre-Yves Droz, Dmitri Dolgov, Michael Xing,  
 5 Joanne Chin, David Lawee, Jennifer Haroon, Ben Ingram, and Aslan (Shawn Bananzadeh), in  
 6 addition to or in lieu of their live testimony. Otto Trucking also reserves the right to present the  
 7 deposition testimony of any witnesses listed above to the extent permitted by Federal Rule of Civil  
 8 Procedure 32.

9	10 <b>Witness</b>	11 <b>Contact Information</b>	12 <b>Trial Testimony</b>
10	11 Salesky, Brian	12 40 24th Street Pittsburgh, PA 15222	13 <i>Mr. Salesky is a current employee of Argo.AI, a former employee of Google, and Mr. Levandowski's boss. He testified as to communications with Mr. Levandowski regarding trucking and the involvement of Larry Page in Chauffeur. He also testified about how trucking was not competitive with Google and that it is very common in the self-driving industry to acquire startups for their talent.</i>
16	17 Page, Larry	18 Alphabet Inc. 19 1600 Amphitheatre Parkway 20 Mountain View, CA 94043	21 <i>Mr. Page is Google's co-founder and Chief Executive Officer of Google's parent company, Alphabet Inc. He testified regarding development and operation of Waymo's autonomous vehicle program; Anthony Levandowski's departure from Waymo; Waymo's policies surrounding side projects and side businesses; knowledge of Waymo employee involvement in side projects and side businesses, including that of Anthony Levandowski. He also testified about his conversations with Anthony Levandowski about a trucking business, and discussions with Travis Kalanick regarding competition.</i>

25 Otto Trucking reserves the right to designate testimony from any witness identified by  
 26 Waymo or Uber. The above descriptions are not intended to cover every possible topic or sub-  
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1 topic on which Uber may offer deposition excerpts and are made without prejudice to Uber  
2 offering other testimony.

3 Dated: September 16, 2017

Respectfully submitted,

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**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 601 S Figueroa Street, 41st Floor, Los Angeles, California 90017.

**On September 16, 2017, I served the following documents by placing a true copy thereof in a sealed envelope(s) on the persons below as follows:**

**DEFENDANT OTTO TRUCKING LLC'S WITNESS LIST PURSUANT TO FED.  
R. CIV. P. 26(A)(3)**

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Appointed by Court as: *Special Master*  
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22  
23  (MAIL). I placed the envelope for collection and mailing, following our ordinary  
24 business practices. I am readily familiar with this firm's practice for collecting and  
25 processing correspondence for mailing. On the same day that correspondence is  
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with the United States Postal Service, in a sealed envelope with postage fully prepaid.  
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or package was placed in the mail at Los Angeles, California.

1       (OVERNIGHT DELIVERY). I deposited in a box or other facility regularly  
2      maintained by FedEx, an express service carrier, or delivered to a courier or driver  
3      authorized by said express service carrier to receive documents, a true copy of the  
4      foregoing document in sealed envelopes or packages designated by the express  
5      service carrier, addressed as stated above, with fees for overnight delivery paid or  
6      provided for.  
7       (E-MAIL or ELECTRONIC TRANSMISSION). Based on a court order or *an  
8      agreement of the parties to accept service by e-mail or electronic transmission*, I  
9      caused the documents to be sent to the persons at the e-mail addresses listed. I did not  
10     receive, within a reasonable time after the transmission, any electronic message or  
11     other indication that the transmission was unsuccessful.

12     I declare under penalty of perjury that the foregoing is true and correct.

13     Executed on **September 16, 2017**, at Los Angeles, California.

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Hong-An Vu  
15     (Type or print name)

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*/s/Hong-An Vu*  
17     (Signature)